

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

Civ. No. B 025920

(LASC No. C 420153)

COURT OF APPEAL - SECOND DIST.
FILED

OCT 30 1989

ROBERT N. WILSON Clerk

Deputy Clerk

CHURCH OF SCIENTOLOGY OF CALIFORNIA,

Plaintiff-Appellant

v.

GERALD ARMSTRONG,

Defendant-Respondent.

MARY SUE HUBBARD,

Intervenor.

AND RELATED CROSS-ACTION

On Appeal From Superior Court of the State of California
County of Los Angeles
Judge Paul G. Breckenridge

APPLICATION FOR EXTENSION OF TIME IN
WHICH TO FILE APPELLANTS' OPENING BRIEF

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION FOUR

CHURCH OF SCIENTOLOGY OF CALIFORNIA, et al.,)	Case No. B 025920
Plaintiffs-Appellants,)	LASC No. C420153
v.)	
GERALD ARMSTRONG,)	
Defendant-Respondent.)	
MARY SUE HUBBARD,)	
Intervenor.)	
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AND RELATED CROSS ACTION)	
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APPLICATION FOR EXTENSION OF TIME IN WHICH TO FILE APPELLANTS' OPENING BRIEF

TO THE HONORABLE PRESIDING JUSTICE OF THE COURT OF APPEAL,
SECOND APPELLATE DISTRICT:

Appellants Church of Scientology of California, et al. hereby apply for special permission from the Presiding Justice to file their Opening Brief 45 days after November 6, 1989, the date the Opening Brief is presently scheduled to be filed.

Eric Lieberman, the counsel who will be preparing the opening brief to file herein, is the counsel who briefed and presented the argument before the Court of Appeal originally in August 1986. At that time the court declined to decide the issues on appeal because there was a cross-claim still pending. Shortly thereafter, on December 11, 1986, the cross-claim was

settled and dismissed from the action. On February 9, 1987, plaintiffs filed a new appeal. The record for this appeal was finalized on October 6, 1989 and the opening brief herein was thereupon scheduled to be filed on November 6, 1989.

1. Due to the complexity of the issues of fact and law in the instant litigation, counsel for appellants believe that 45 additional days are required in which to fully brief the issues.

2. The Counsel responsible for the preparation of the brief is also engaged in a number of other court matters during October and November, which will make a full and adequate briefing of the issues extremely difficult. In particular, counsel for appellants was required to prepare an emergency brief to the U.S. Court of Appeals for the 11th Circuit. Further, counsel is required to file a petition for a Writ of Certiorari with the United States Supreme Court in a complex matter arising from a different division of this district.

3. This is appellants' first request for extension for an allowance of an additional 45 days to the current deadline of November 6, 1989.

4. Rule 16 of the California Rules of Court, specifies that appellant's opening brief be served and filed within 30 days after the filing of the record of the reviewing court. Rule 17 provides that "[i]f a sufficient written showing of excuse is made within such 30-day period, the Chief Justice or Presiding Justice may grant additional time to file the brief subject to such conditions as he may deem proper to impose."

5. Further, Rule 43 of the California Rules of Court

provides for the granting of applications to extend time for filing records and briefs for good cause shown.

Appellants therefore respectfully urge this Court to grant an extension of time of 45 days from November 6, 1989 to and including December 21, 1989, in which to file appellants' Opening Brief, so that appellants may thoroughly brief the relevant issues of fact and law herein.

Dated: October 30, 1989

BOWLES & MOXON

By: 

Timothy Bowles

Attorneys for Appellants
Church of Scientology
of California, et al.

OCT 31 1989

By the Court:
It is so ordered.

KLEIN
Presiding Justice

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

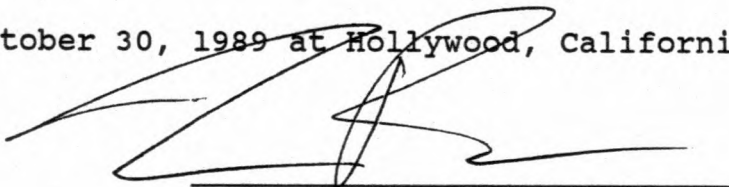
I am employed in the County of Los Angeles, State of California. I am over the age of eighteen (18) years and not a party to the within action. My business address is 6255 Sunset Blvd., Suite 2000, Hollywood, CA 90028.

On October 30, 1989 I caused to be served the foregoing document described as APPLICATION FOR EXTENSION OF TIME IN WHICH TO FILE APPELLANTS' OPENING BRIEF on interested parties in this action, to the persons and addresses as follows:

Julia Dragojevich
CONTOS & BUNCH
5855 Topanga Canyon Blvd.
Suite 400
Woodland Hills, CA 91367

If hand service is indicated on the attached list, I caused the above referenced paper to be served by hand, otherwise I caused such envelopes with postage thereon fully prepaid to be placed in the United States mail at Hollywood, California.

Executed on October 30, 1989 at Hollywood, California.

A handwritten signature in black ink, appearing to be 'J. Dragojevich', written over a horizontal line.